

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 14251-14300

[Approved by the Secretary of Agriculture, Washington, D. C., July 28, 1926]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

14251. Adulteration and misbranding of cramp bark. U. S. v. 7 Bags of Cramp Bark. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20856. I. S. No. 4961-x. S. No. E-5639.)

On February 24, 1926, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 7 bags of cramp bark, remaining in the original unbroken packages at Madison, Ind., consigned by A. F. Phillips, Madison, Ind., alleging that the article had been shipped from Baltimore, Md., February 9, 1926, and transported from the State of Maryland into the State of Indiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was invoiced "True Cramp Bark."

Adulteration of the article was alleged in the libel for the reason that it was sold under a name synonymous with the name "Viburnum opulus," recognized in the National Formulary," but differed from the standard of strength, quality, and purity laid down for said article in the said National Formulary, in that it contained more than 5 per cent of wood and other foreign matter, and in that it fell below the professed standard and quality under which it was sold.

Misbranding was alleged for the reason that the article was offered for sale under the name of another article, to wit, pure cramp bark.

On April 19, 1926, Sulzer Bros., Madison, Ind., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

14252. Adulteration and misbranding of assorted jellies. U. S. v. 190 Cases of Assorted Jellies. Decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 20974. I. S. Nos. 1240-x, 1241-x, 1242-x, 1243-x. S. No. C-4995.)

On March 26, 1926, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 190 cases of assorted jellies, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the articles had been

shipped by McNeil & Co., from Carpentersville, Ill., in various consignments on July 22, September 16, October 31, and November 25, 1925, respectively, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act as amended. The articles were labeled in part: (Jar) "Sunny South Brand Apple Pectin Currant" (or "Strawberry" or "Raspberry" or "Grape") "Jelly Net weight 6 Ounces." The raspberry and grape jellies were further labeled: "E. R. Pahl & Company Milwaukee, U. S. A."

Adulteration of the articles was alleged in the libel for the reason that they were colored in a manner whereby damage and inferiority were concealed and for the further reason that pectin had been mixed and packed with the said articles so as to reduce, lower, or injuriously affect their quality and strength. It was further alleged that the articles were adulterated, in that pectin jellies colored with fruit juices had been substituted wholly or in part for the currant and grape jellies, and in that pectin jellies colored with fruit juices and acidified tartaric acid had been substituted wholly or in part for the strawberry and raspberry jellies.

Misbranding was alleged for the reason that the statements, "Apple Pectin Currant" (or "Raspberry" or "Strawberry" or "Grape") "Jelly," and in the case of the raspberry and grape jellies, "E. R. Pahl & Company," borne on the labels, were false and misleading and deceived and misled the purchaser when applied to pectin jellies colored with fruit juices, and in the case of the raspberry and grape jellies, manufactured by a firm other than E. R. Pahl & Co., and in the case of the strawberry and raspberry jellies, containing added tartaric acid. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles. Misbranding of the raspberry jelly was alleged for the further reason that the statement "Net weight 6 Ounces" was false and misleading and deceived and misled the purchaser, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 29, 1926, McNeil & Co., Carpentersville, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the clerk's and marshal's costs and the execution of a bond in the sum of \$500, conditioned that they not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

14253. Adulteration and misbranding of assorted jellies. U. S. v. 24 Cases of Assorted Jellies. Decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 20983. I. S. No. 1239-x. S. No. C-5062.)

On March 26, 1926, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 24 cases of assorted jellies, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the articles had been shipped by McNeil & Co., from Carpentersville, Ill., in part October 31, 1925, and in part November 25, 1925, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act as amended. The articles were labeled in part: (Jar) "Sunny South Brand Apple Pectin Crabapple" (or "Strawberry" or "Grape" or "Raspberry" or "Currant") "Jelly Net Wgt. 6 Ounces E. R. Pahl & Company Milwaukee, U. S. A."

Adulteration of the strawberry, grape, raspberry, and currant jellies was alleged in the libel for the reason that pectin jellies colored with fruit juices and acidified with tartaric acid had been substituted wholly or in part for the article, and in that a substance, pectin, had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality or strength, and for the further reason that they were colored in a manner whereby damage and inferiority were concealed. Adulteration was alleged with respect to the crabapple jelly for the reason that pectin jelly with added tartaric acid had been mixed and packed with and substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statements "Apple Pectin Strawberry" (or "Grape" or "Raspberry" or "Currant" or "Crabapple")